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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/823,909	03/29/2001	Masasuke Kawasaki	DSGN:002USMTG	7531

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EXAMINER

SINGH, SUNIL

ART UNIT PAPER NUMBER

3673

DATE MAILED: 12/02/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.  
09/823,909

Applicant(s)  
Kawasaki

Examiner  
Sunil Singh

Art Unit  
3673



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-29 and 40-72 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-29 and 40-72 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 6 6) ☐ Other: \_\_\_\_\_

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## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 5 and 9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 5 is confusing it is not clear how the first brace is connected to the second leg at a third location.

Claim 9 line 2, "the first anchoring structure" lacks clear antecedent basis.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 2, 6, 7, 10-29, 40,41, 43-45, 48-60, 62-63, 66-67, 69-72 are rejected under 35 U.S.C. 102(b) as being anticipated by Dysarz (US 4388024).

Dysarz discloses a system comprising a first leg (15), second leg (16), third leg (17) and platform (13) coupled to the first second and third legs, a first brace, second brace, third brace,

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fourth brace, fifth brace and sixth brace (see col. 4 line 39, see Fig. 2, (21)). The anchoring structure includes a winch/platform (see Fig. 39). Rigid brace (21), flexible brace (see Fig. 39 (349))

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 3 and 68 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dysarz in view of McGehee (US 4813815).

Dysarz discloses the invention substantially as claimed. However, Dysarz lacks a pivotable leg. McGehee teaches a pivotable leg (see Fig. 6). It would have been considered obvious to one of ordinary skill in the art to modify Dysarz by making his legs pivotable as taught by McGehee in order to be able to place the system on an unlevel seabed.

7. Claim 4 and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dysarz in view of Thomas (US 5224798).

Dysarz discloses the invention substantially as claimed. However, Dysarz lacks a protrusions on his footings. Thomas teaches protrusions on his footings (see Fig. 1). It would

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have been considered obvious to one of ordinary skill in the art to modify Dysarz by making his footings have protrusions as taught by Thomas in order to more efficiently anchor the system.

8. Claims 8-9, 46-47, 61 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dysarz in view of Tatsuguchi (US 4662787).

Dysarz discloses the invention substantially as claimed (see col. 5 line 5). However, Dysarz is silent about having a holding rack. Tatsuguchi teaches to have a holding rack (see Fig. 2). It would have been considered obvious to one of ordinary skill in the art to modify Dysarz to include the holding rack as taught by Tatsuguchi in order to avoid having the platform move relative to the legs.

9. Claims 64 and 65 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dysarz.

Dysarz discloses the invention substantially as claimed. However, Dysarz is silent about monitoring the deflection of the leg and tightening the brace when it becomes slack. Such steps are old and well known in the art. It would have been considered obvious to one of ordinary skill in the art to modify Dysarz to include the steps of monitoring the deflection of the leg and tightening the brace when it becomes slack since the allows for a stable structure.

### *Conclusion*

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sunil Singh whose telephone number is (703) 308-4024. The examiner can normally be reached on Monday through Friday from 8:30 AM to 5:00 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bagnell, can be reached on (703) 308-2151. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-7687.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-2168.

Sunil Singh



Patent Examiner

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